

aa-4
IN THE DISTRICT COURT OF THE STATE OF UTAH
IN AND FOR UTAH COUNTY.

Provo Reservoir Company,
a corporation,
Plaintiff.

vs.

Provo City, a municipal corporation,
et al.

Cause No. 2888

Defendants

State of Utah,
County of Utah,--SS.

H. J. W. Goddard, being first duly sworn, deposes and says: I am a resident and tax payer of Provo City, Utah County, Utah, and have been such continuously for more than thirty five years last past; that I have read the affidavit in this cause filed by R. J. Murdock, setting forth that the plaintiff in this action cannot consent to the Hon. A. B. Morgan, the presiding judge of the District Court of the State of Utah in and for Utah County, sitting as the trial judge in this cause, for the reasons in said affidavit set forth; that I was personally present at the meetings mentioned in the affidavit of said R. J. Murdock wherein the alleged statements were made by the said A. B. Morgan in the said affidavit of the said R. J. Murdock set forth; that during said meetings, and at all times prior thereto and until the said A. B. Morgan qualified as a judge of said district, and for more than one year thereafter, no cause of action was pending in the above entitled court or in any other court, involving any question or right or thing or matter involved in civil action No. 2888 now on file in this court wherein Provo ~~City~~ Reservoir Co., a corporation, is plaintiff and Provo City, a municipal corporation, et al, defendants, and at the time the said A. B. Morgan was acting in the capacity of a public official in behalf of Provo City, to-wit, City Attorney; that on all of said occasions mentioned in the affidavit of said R. J. Murdock no question arose whatever between any of the parties represented at said meeting which ~~was~~ is involved in the subject matter of said cause No. 2888; and no litigation of any kind or nature was threatened or spoken of at said meetings, or any of them; that at said meetings, there were not present more than eight or ten of the parties out of approximately five hundred parties plaintiff and defendants in said action No. 2888, and that the purpose and object of said meetings, and the call thereof, was to discuss the advisability of having a hydrographic survey of Provo river, the creating of ~~an~~ an irrigation district, and the appointment of a water commissioner therefor by the governor or this state; that at said meetings said A. B. Morgan was not called upon to express, nor did he express any opinion as to the relative rights of any of the parties to this action, in the waters of Provo River, or any of its sources of supply.



H. J. W. Goddard
Subscribed and sworn to before me this 25 day of Oct. 1915.

Jacob Coleman
Notary Public.
Due and legal service had by copy received of the foregoing affidavit this 25 day of Oct. 1915.

Arthur
Of counsel for the Plaintiff.